



**SCOTTSDALE DEVELOPMENT REVIEW BOARD
KIVA-CITY HALL
3939 DRINKWATER BOULEVARD
SCOTTSDALE, ARIZONA**

THURSDAY, JUNE 18, 2009

MEETING MINUTES

PRESENT: Lisa Borowsky, Council Member
Michael D'Andrea, Planning Commission Member
David Brantner, Development Member
Chris Jones, Design Member
David Ortega, Design Member
Eric Gerster, Development Member

ABSENT: Michael Edwards, Vice Chairman

STAFF: Steve Venker
Joe Padilla
Meredith Tessier
Louisa Garbo
Greg Bloemberg

CALL TO ORDER

Councilwoman Borowsky called the meeting of the Scottsdale Development Review Board to order at 1:03 p.m.

ROLL CALL

A formal roll call was conducted confirming members present as stated above.

OPENING STATEMENT

Councilwoman Borowsky read the opening statement that describes the role of the Development Review Board and the procedures used in conducting this meeting. She made special note of the focus on quality building and design.

RATIFICATION

Ratification of action items including consent and regular agenda items from the June 4, 2009 Development Review Board Meeting.

The Development Review Board shall consider the ratification of the following items from the June 4, 2009 Development Review Board Meeting

1. Approval of May 21, 2009 Development Review Board Study Session Meeting Minutes
2. Approval of May 21, 2009 Development Review Board Meeting Minutes
3. 6-MS-2009#2 Terra Verde Master Sign Program Amendment
4. 53-DR-2008 NewPath Networks, LLC (H-206) N. 104th St. & E. Mountain View Rd.
5. 57-DR-2008 NewPath Networks Antenna Site #H204-02
6. 65-DR-2008 NewPath Networks Antenna Site #H202-02
7. 59-DR-2009 Convenience Store
8. 2-DR-2006#3 Verizon PHO Cheese WCF

BOARD MEMBER BRANTNER MOVED TO RATIFY THE MAY 21, 2009 MEETING MINUTES INCLUDING THE STUDY SESSION, 53-DR-2008, NEWPATH NETWORKS, LLC (H-206) N. 104TH ST. & E. MOUNTAIN VIEW RD.; 57-DR-2008, NEWPATH NETWORKS ANTENNA SITE H204-02; 65-DR-2008, NEWPATH NETWORKS ANTENNA SITE #H202-02; 59-DR-2009, CONVENIENCE STORE; AND 2-DR-2006#3, VERIZON PHO CHEESE WCF. SECONDED BY COMMISSIONER D'ANDREA, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SIX (6) TO ZERO (0).

COMMISSIONER D'ANDREA MOVED TO RATIFY 6-MS-2009#2, TERRA VERDE MASTER SIGN PROGRAM AMENDMENT. THE MOTION WAS SECONDED BY BOARD MEMBER BRANTNER.

In response to a concern by Board Member Ortega, Mr. Venker clarified that the ratification included all actions taken during the June 4th meeting, including the change from an eight-foot to a six-foot height allowance.

THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF FIVE (5) TO ZERO (0). BOARD MEMBER JONES RECUSED HIMSELF.

MINUTES

9. Approval of June 4, 2009 Development Review Board Study Session Minutes
10. Approval of June 4, 2009 Development Review Board Meeting Minutes

BOARD MEMBER BRANTNER MOVED TO APPROVE THE JUNE 4, 2009 DEVELOPMENT REVIEW BOARD MEETING MINUTES, INCLUDING THE STUDY SESSION. SECONDED BY COMMISSIONER D'ANDREA, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SIX (6) TO ZERO (0).

CONSENT AGENDA

11. 40-DR-2009 NewPath Networks (H339-02) E. Mountain View Rd. & N. 131St. Place
12. 50-DR-2009 NewPath Networks (H338-01) 9735N. 125th Place

Board Member Brantner requested a presentation.

Mr. Jim Tadaró explained that as a result of working closely with staff and the community three major points have been established as important: color, location, and landscaping mitigation. Presenting a model depicting the design of the cactus and the interior infrastructure, he noted that NewPath's goal was to ensure that requests of staff and the community were satisfied. The cactus material is UV reflective, which will ensure long lasting color, and can be cleaned and/or repainted as necessary in the field.

Mr. Wayne Schreck, 9651 North 125th Place, expressed concerns about the location of the tower, which was shown to be approximately 30 feet from his house. He asked that consideration be given to either moving the tower onto or near the church property or to moving the tower more to the north.

Mr. Tadaró reviewed the history behind the location choice. The initial location choice was between two driveways at the church, but was objected to by the church and the homeowners on lot 92 because it would be facing the front of their house. Once the current location was chosen, staff requested that the tower be moved an additional five feet from the roadway to prevent a collision in the event that a driver missed the turn on Mountain View. The current location is placed to the side of the existing house and will be mitigated with landscaping and Palo Verde trees.

In response to a question by Board Member Brantner, Mr. Tadaró explained that in an effort to minimize impact arms would not be used at this location. He noted that the cactus will stand 24 feet tall.

Board Member Brantner inquired whether the tower could be placed on parcel 068B north of the church. Mr. Hadder explained that the City of Scottsdale has no rights to use the land to the north of the church because it is owned by the Bureau of Reclamation as part of the canal project. Board Member

Brantner commented that the selected location appeared to most effectively minimize the effect on the community.

13. 72-DR-2009 NewPath Networks (K604-01) N. 100th St. & Topaz Dr.
14. 77-DR-2009 NewPath Networks (H167-03) E. Cactus Rd. & N. 90th St.
15. 81-DR-2009 NewPath Networks (H283-01) E. Raintree Dr. & E. Thompson Peak Pkwy.
16. 64-DR-2009 Frank Lloyd Wright 100

Board Member Gerster noted a conflict and recused himself from the discussion.

Commissioner D'Andrea felt that because the development is in a prominent location it would be appropriate to have a presentation. The item was moved to the regular agenda.

17. 88-DR-2005#7 SkySong Paseo Plaza

COMMISSIONER D'ANDREA MOVED TO APPROVE 40-DR-2009, NEWPATH NETWORKS (H339-02) E. MOUNTAINVIEW RD. & N. 131ST. PLACE; 50-DR-2009, NEWPATH NETWORKS (H338-01) 9735N. 125TH PLACE; 72-DR-2009, NEWPATH NETWORKS (K604-01) N. 100TH ST. & TOPAZ DR.; 77-DR-2009, NEWPATH NETWORKS (H167-03) E. CACTUS RD. & N. 90TH ST.; 81-DR-2009, NEWPATH NETWORKS (H283-01) E. RAINTREE DR. & E. THOMPSON PEAK PKWY.; AND 88-DR-2005#7, SKYSONG PASEO PLAZA. SECONDED BY BOARD MEMBER ORTEGA, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SIX (6) TO ZERO (0).

REGULAR AGENDA

16. 64-DR-2009 Frank Lloyd Wright 100

Board Member Gerster noted a conflict and recused himself from the discussion.

Ms. Garbo reviewed the site plan, which will develop in five phases. Phases three and four will be mixed use with assisted living on the southeast portion of the site.

Mr. Scott Turkington discussed each phase of the development plan individually, noting that the architecture and landscape plans were based on Frank Lloyd Wright influences.

In response to a question by Commissioner D'Andrea, Mr. Turkington reviewed the areas of vehicular and pedestrian access, including the walkway from the assisted living area to the retail center. He indicated that the trash enclosure area was part of the service delivery area.

Board Member Ortega commented on the superior design and commended staff for directing the Applicant to complete the exterior edge early in the project.

BOARD MEMBER ORTEGA MOVED TO APPROVE 64-DR-2009, FRANK LLOYD WRIGHT 100. SECONDED BY COMMISSIONER D'ANDREA, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF FIVE (5) TO ZERO (0). BOARD MEMBER GERSTER RECUSED HIMSELF.

18. 59-DR-2009 Convenience Store

Mr. Bloemberg compared the original proposed site plan and elevations with the proposal amended based on DRB comments and requests from the adjacent neighbor.

In response to questions by Board Member Brantner, Mr. Steve Eike explained that several factors led to the dumpster location being moved, including input from the neighbor. The additional landscaping and three-foot stucco wall along the west side of 70th Street would not provide ample screening if the dumpster were left in its original location.

In response to a question by Board Member Ortega, Mr. Eike explained that the dumpster and electrical service encasements would be stucco and the metal gates would be painted to match. Cones will be placed to block parking spaces during scheduled fuel delivery times. Board Member Ortega complimented the vast improvements made to the project. He was particularly pleased with the pedestrian accessibility.

Board Member Gerster inquired whether the building colors were chosen in response to working with a specific fuel company. Mr. Eike explained that the colors were influenced from the forms and characteristics of the apartments to the west. Board Member Gerster noted a preference for looking to the future and using more modern visual cues. Mr. Venker noted that adjustments were made to the previous elevations primarily as a result of comments by Vice-Chairman Edwards and Commissioner Schmitt.

In response to a question by Commissioner D'Andrea, Mr. Eike clarified that the canopy is existing and would be painted to match the building. Mr. Eike said that he would not oppose changing the color palette if it was the preference of the Board.

Mr. Paul Cummings spoke on behalf of his grandparents who own the adjacent office building. He presented photographs depicting the view towards the convenience store from an office window, which demonstrated obstruction of natural light. He agreed that the design was improved and provided an increased curb appeal and fewer fuel pumps. His concern was with the increased traffic, parking availability, the distance between the convenience store and the office building, and security for the office building. He felt that the development would lower the office building's property value.

In response to a question by Board Member Gerster, Mr. Cummings agreed that because it is necessary to place the building along the northern property line due to fuel tanks and setback requirements, the current location is the most appropriate.

Board Member Brantner requested to be shown how the office building is currently accessed. Mr. Cummings explained that the primary concern is with the alley that will be created in place of the existing three-foot wall. Mr. Bloemberg confirmed that the Convenience store is within the zoning ordinance requirements.

Board Member Ortega opined that installing a high fence in the alley area would eliminate Mr. Cummings' security concerns.

BOARD MEMBER ORTEGA MOVED TO APPROVE 59-DR-2009, CONVENIENCE STORE, AS PRESENTED.

Board Member Jones felt the site plan was an improvement and mitigated a majority of the issues. However, he was concerned about the architecture, the color and artificial gable roof, and would support a continuance.

Board Member Gerster agreed that although the site plan was an improvement, the design could be improved upon.

COUNCILWOMAN BOROWSKY SECONDED THE MOTION.

BOARD MEMBER ORTEGA AMENDED HIS MOTION, TO APPROVE SITE PLAN AND ELEVATIONS FOR CASE 59-DR-2009 WITH A STIPULATION THAT THE APPLICANT WILL RETURN TO THE DEVELOPMENT REVIEW BOARD WITH AN ALTERNATE COLOR PALETTE. COUNCILWOMAN BOROWSKY SECONDED THE MOTION.

Commissioner D'Andrea noted that he would prefer to see warmer colors used. The primary color is too yellow and clashes with the green trim.

Board Member Brantner felt that the color choices should be futuristic because the area is in transition.

Board Member Ortega commented that many times convenience store service stations are associated with a brand and are required to use that brand's color pallet. Because this is an independent dealer caution has to be taken by using neutral colors because there is no brand association.

THE MOTION CARRIED WITH A VOTE OF FOUR (4) TO TWO (2). BOARD MEMBER GERSTER AND BOARD MEMBER JONES DISSENTED.

ADJOURNMENT

With no further business to discuss, the regular session of the Development Review Board adjourned at 2:21 p.m.

Respectfully submitted,
A/V Tronics, Inc. DBA AVTranz.